Before the

Federal Communications Commission

Washington, D.C. 20554

In the Matter of:
Elimination of Outdated and Unnecessary Regulations in the Broadcasting Industry

GN Docket No. 25-133

Comments of the LPFM Advocacy Group (LPFM-AG)

I. Introduction

The LPFM Advocacy Group (LPFM-AG) submits these comments in response to the Federal Communications Commission's (FCC) Public Notice seeking input on deregulatory initiatives to alleviate unnecessary regulatory burdens in the broadcasting industry. We commend the Commission's efforts to modernize regulations and promote investment, innovation, and competition in the communications marketplace.

II. Expanding Underwriting to Remove Content Restrictions

Historical Expansion of Underwriting Guidelines

The FCC has previously expanded underwriting guidelines multiple times, recognizing the evolving financial needs of noncommercial educational (NCE) broadcasters while maintaining compliance with the Communications Act. The following key decisions provide precedent for further reinterpretation:

1. **1981 Expansion:**
    - *Second Report and Order, 86 FCC 2d 141 (1981)*
    - The FCC initiated changes to provide NCE stations with greater flexibility in acknowledging underwriters, aiming to enhance funding opportunities while maintaining noncommercial integrity.

2. **1982 Clarification:**

    - *Commission Policy Concerning the Noncommercial Educational Nature of Educational Broadcasting Stations, 90 FCC 2d 895 (1982)*
    - Further clarifications were issued to delineate permissible content in underwriting announcements, balancing the need for station support with adherence to noncommercial standards.

3. **1984 Enhancement:**

    - *Commission Policy Concerning the Noncommercial Educational Nature of Educational Broadcasting Stations, 97 FCC 2d 255 (1984)*
    - The FCC allowed "enhanced underwriting" acknowledgments, permitting:
        - Logograms or slogans that identify but do not promote.
        - Location information.
        - Value-neutral descriptions of product lines or services.
        - Brand and trade names, along with product or service listings.
    - This expansion aimed to attract additional business support, improving financial self-sufficiency without compromising the noncommercial nature of NCE stations.

Building upon these precedents, we propose that the FCC further reinterpret underwriting rules to allow NCE-FM stations to air full commercial advertisements under the expanded definition of underwriting. This reform is particularly urgent given the recent political momentum to defund the Corporation for Public Broadcasting (CPB) and FCC Chairman Brendan Carr's renewed scrutiny of underwriting violations. If CPB funding is eliminated, many NCE-FM stations will struggle to continue operating as public servants under the current restrictive financial model. Expanding underwriting flexibility is necessary to ensure these stations can remain viable and continue providing vital community-focused programming without reliance on government subsidies. Additionally, this change would create new opportunities for America's small businesses—particularly mom-and-pop stores—that are currently priced out of FM radio advertising by larger broadcast groups. By allowing NCE-FM stations to offer affordable advertising options under expanded underwriting rules, the FCC can foster a more competitive media landscape where local businesses have a voice in their communities. This approach would enable stations to generate necessary revenue while preserving their educational mission and compliance with the Communications Act.

1. Remove Content-Based Restrictions on Underwriting Messages

Current Rule: 47 CFR § 73.503(d) and the applicable sections within § 73.801 that pertain to underwriting restrictions

"No promotional announcement on behalf of for-profit entities shall be broadcast in exchange for consideration to the licensee, its principals, or employees. Acknowledgments of contributions can be made, provided they do not interrupt regular programming."

Proposed Change: Modify 47 CFR § 73.503(d) and § 73.801 to eliminate content restrictions on underwriting announcements. Instead of limiting underwriting language, the FCC should permit full commercial advertisements under the expanded interpretation of underwriting, as the Commission has previously done when revising NCE rules. This approach ensures that the NCE classification remains intact while allowing stations to generate sustainable revenue.

2. Modify LPFM License Sale Restrictions to Match LPTV

Current Rule: 47 CFR § 73.865(a)

"The assignment or transfer of an LPFM license shall be permitted only to nonprofit educational organizations and governmental entities, and such transfers may not be made for consideration exceeding the depreciated fair market value of the physical equipment."

Proposed Change: Modify 47 CFR § 73.865(a) to allow LPFM license sales at market value and permit transfers to any nonprofit organization, regardless of whether they own other LPFM or NCE-FM stations. This aligns LPFM station transfers with LPTV station sales, providing licensees with financial incentives for public service and promoting responsible station management.

III. Technical and Structural Reforms for LPFM

3. Allow Directional Antennas for LPFM Stations

Current Rule: 47 CFR § 73.816

"LPFM stations must use non-directional antennas unless a waiver is granted for public safety or service contour compliance."

Proposed Change: Modify 47 CFR § 73.816 to permit LPFM stations to use directional antennas under the same standards as FM translators. This change would allow stations to optimize their signal coverage while preventing interference.

4. Remove Certified Transmitter Requirements for LPFM

Current Rule: 47 CFR § 73.1660(a)(2)

"Only transmitters specifically certified for LPFM use may be utilized by LPFM stations."

Proposed Change: Modify 47 CFR § 73.1660(a)(2) to allow LPFM stations to use any legally compliant Part 73 FM transmitter, just as full-power FM stations and translators are permitted to do. This change reflects LPFM's maturity as a service and eliminates an unnecessary regulatory burden.

IV. Maintaining Nonprofit Ownership for LPFM and NCE-FM

5. Preserve the Nonprofit Ownership Requirement

Current Rule: 47 CFR § 73.503(a) and § 73.853(a)

"A noncommercial educational FM broadcast station will be licensed only to a nonprofit educational organization, governmental entity, or public institution."

Proposed Change: Retain 47 CFR § 73.503(a) and § 73.853(a) without modification. This ensures compliance with congressional mandates while allowing for financial and operational flexibility.

V. Conclusion

As the FCC moves forward with deregulation, it should prioritize reforms that foster economic growth and self-sustainability for LPFM and NCE-FM stations. By expanding underwriting flexibility, eliminating outdated licensing restrictions, and modernizing technical regulations, the Commission will empower local stations to thrive in a competitive media environment.

The LPFM Advocacy Group respectfully urges the FCC to consider these recommendations to create a regulatory framework that supports small broadcasters while upholding public service commitments.

Respectfully submitted,

Dave Solomon
LPFM Advocacy Group (LPFM-AG)
PO Box 25222
Greenville, SC 29616
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